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# 5.6.5. Children in the reception system

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children in reception

Saturated reception centres and the surge in the number of unaccompanied children across the EU created multiple issues for their accommodation and support, for example in Austria, Belgium, Ireland, Italy, Luxembourg, the Netherlands and Switzerland.

Due to a shortage of places in provincial reception facilities in Austria *(see Section 4.7)*, unaccompanied children needed to spend months in large federal reception facilities. In addition, UNHCR was alarmed about their high abscondment rate and the lack of follow-up in these cases.1440 The national authority underlined that in their view there was no link between the situation in reception – which they consider to be fully in line with the recast RCD – and the abscondment rate, and many of the applicants claimed to be between 16-18 years old but their minority had not yet been established.

Fedasil identified several challenges for the reception and support of unaccompanied minors. The organisation noted that it was able to offer general support for these children, but many of them had specific needs due to their age, psychological or psychiatric vulnerabilities, disabilities or addiction. The group of unaccompanied children in reception was also rather homogenous in Belgium, with 80% being Afghans. The agency assessed that this required the deployment of a greater number of initiatives aiming for their long-term reception.1441

The Odisee College presented the results of a 2-year, AMIF-funded study on adapting reception centres to families' and children's needs, which was endorsed by Fedasil.1442 Still, the lack of enough places for unaccompanied children persisted throughout the year. Fedasil focused on expanding its accommodation places for children, but on 11 October 2022, the agency announced that only one-half of the children registered that day could also be accommodated. 1443

The ECtHR indicated interim measures in several cases throughout 2022, involving minor male applicants *(see Section 4.7)*.1444 In addition, some requests from unaccompanied minors were rejected as they had not obtained a final domestic decision, while others withdrew their requests for interim measures as they had obtained accommodation in the meantime.1445 Caritas International observed in November 2022 that around 150 youngsters were sleeping on the street in Belgium, waiting to be accommodated, and many of them disappeared from the asylum system.1446 Youngsters whose age was in doubt were in a limbo: the Guardianship Service did

not conduct the age assessment, but without this, they were not offered shelter *(see Section 5.6.3)*.[1447]

The Irish Refugee Council expressed concern about the safety of children and families in the Citywest Transit Hub in Dublin in a letter sent to the Minister for Children, Equality, Disability, Integration and Youth. The organisation observed that sanitary facilities were not segregated by sex or by age, children were mixed with unrelated adults, and experienced and trained child protection personnel was lacking.[1448] In January 2023, the government announced that new international protection applicants would no longer be accommodated in the site's emergency accommodation area, as it had reached full capacity.[1449]

At the beginning of 2022, the NGO CIR, with the support of UNHCR, published guidelines on supporting unaccompanied minors in Italy.[1450] In March 2022, due to the arrival of Ukrainian children, the Italian government adopted the Plan for Unaccompanied Minors. The plan was updated several times throughout the year to address concerns as they arise,[1451] for example related to the prevention of trafficking of unaccompanied children.[1452]

UNICEF published the results of research carried out in 2021 in six Italian regions on psychosocial support for adolescent and young applicants and beneficiaries of international protection. The mapping identified that successful initiatives focused on individualised support, employed a multidisciplinary approach and were attentive to linguistic and cultural needs. Some challenges were due to the structure of the reception system and external providers of mental health and psychosocial support.[1453]

Throughout the year, the National Association of Italian Municipalities highlighted the need to create more reception places for unaccompanied children and allocate more funds for their care. Due to the exceptionally high number of arrivals of children in need of temporary and international protection, accommodation and support services were often lacking, even though many new, dedicated places were created in 2022.[1454]

In Luxembourg, the Ombudsperson for Children and Youngsters focused the 2022 report on children in need of international or temporary protection and their reception.[1455] The Ombudsperson concluded that not all reception structures were adapted to children's and family needs, and children's rights were often considered auxiliary. Some of the gaps included: insufficiently-protected sanitary facilities, the absence of systematised procedures when a child's well-being is in danger, and gaps in the availability of psychological care. The Ombudsperson also noted that the facilities had been saturated and staff had been working at the limit of their capacity for several months, which exacerbated structural weaknesses.

The Minister for Asylum and Migration acknowledged that, due to the significant increase in arrivals, emergency facilities needed to be opened, which could not be considered an optimal solution in the long-term. It confirmed that the authorities focused on closing them as soon as possible, and that the ONA was working on increasing the number of facilities fully adapted to the needs of families and children.[1456] A draft law was pending in parliament to facilitate newly-arrived children's access and integration into education.[1457]

Similar to a measure last year in the Netherlands,[1458] as a one-time action, the care for unaccompanied children who were at least 17.5 years on 1 July 2022 was taken over by COA from Nidos, and the minors were accommodated in regular reception places instead of ones dedicated to minors. The measure was applied again, as there was an urgent need for reception places for unaccompanied children. Nidos underlined that once a child is moved to a regular reception place they are unable to provide the follow-up as foreseen in the Dutch Civil Code and Youth Law. The State Secretary noted this position but underlined that the alternative would be to leave children in overcrowded reception places and assessed that this would have more serious repercussions. Since November 2022, unaccompanied minors aged 17 years and 9 months or older are placed in regular asylum reception centres (azc's), without special support. This measure was meant to be applicable until 1 March 2023, but due to persisting capacity issues for the reception of unaccompanied minors, the measure was prolonged until 1 September 2023. This applies to unaccompanied minors who register at the central registration centre in Ter Apel, as well as minors who have already been accommodated in facilities for unaccompanied minors until June 2023. In practice, COA and Nidos assess on a case-to-case basis whether a transfer to a regular asylum reception centre is possible. The Dutch parliament has been informed about the measure as well as its prolongation.

The State Secretary also noted issues with access to education for unaccompanied children at the process reception centre for unaccompanied minors in Ter Apel. Children normally stay there for only 5 days and are then transferred to a location with organised education. However, due to the pressure on the reception system, this stay had grown longer. A working group was set up with the municipality, COA and local providers to increase educational activities. In the meantime, children are offered four slots of Dutch language classes weekly, fitness and sports activities, other weekly activities organised by an NGO, intercultural coaches to support them, and weekly information sessions by the health service.[1459] In October 2022, the Court of the Hague – amongst other obligations – ordered the state and COA to create additional reception places for unaccompanied minors, particularly those who were staying for more than 5 days in the centre in Ter Apel. The measures were confirmed on appeal in December 2022. Throughout the year, several organisations, including the Ombudsperson for Children, the Inspectorates for the Ministries of Justice and Security, and Healthcare and Youth, and the special working group on children in reception expressed their concerns about the worrying conditions for children, especially at emergency reception locations.[1460]

Throughout 2022, COA continued with AMIF-funded projects targeted at unaccompanied minors with behavioural issues who required more supervision and guidance.[1461] The organisation also extended its collaboration agreement with TeamUp, established in 2015 by Save the Children, UNICEF Netherlands and War Child. The project offers psychosocial support to applicant children between 6 and 17 years through play and exercise. It is currently implemented in 37 COA locations.[1462]

A new facility was opened in Ruse, Bulgaria for unaccompanied children and applicant children at risk. The facility has 16 places and 12 staff members. The municipality provides services in the centre, but this will be taken over by a private operator after a tender. The Bulgarian Helsinki Committee welcomed the efforts of the State Agency for Refugees to accommodate unaccompanied children in family-type children's centres.[1463] The Ombudsperson carried out

an urgent inspection in the detention facility in the same municipality, which was used for investigative arrests after children were apprehended during an irregular exit, following the signalling of the National Network for Children. She found two Syrian children in the centre who had been detained for more than 40 days, and the authorities had not notified the child protection department. She also gathered other evidence that the detention of unaccompanied children was a common practice. The Ombudsperson requested the Deputy Prime Minister, the Minister of the Interior, the Minister of Justice and the Chief Prosecutor to investigate the issue.[1464]

In Cyprus, the Deputy Minister for Social Welfare announced plans to transfer children from Pournara to a dedicated facility in Famagusta in March 2022.[1465] The move followed the opinion published by the Ombudsperson for Children,[1466] decisions taken during the extraordinary meeting of the Council of Ministers on the situation in Pournara[1467] and the president's visit to the centre.[1468] Previously, in 2021 the Cyprus Refugee Council and UNHCR reported on worrying living conditions for children in the centre, including the accommodation of children outside of the dedicated safe zone and incidents of alleged sexual harassment.[1469]

The Spanish Ombudsperson reiterated concerns about deficiencies in the reception of women and children arriving to the Canary Islands by boat, which in some cases led to their falling victim to trafficking. Accem reported that on mainland Spain the police dismantled a child trafficking network, where the victims were accommodated in a reception facility in Madrid.[1470] The AIDA report for Portugal highlighted similar concerns, noting that many children absconded from reception and were potentially at risk of trafficking.[1471]

The UNCRC acknowledged the creation of a national protection mechanism for unaccompanied children living in precarious conditions in Greece, but it expressed serious concern about the reception conditions of applicant children. The committee demanded that the authorities provide sustainable, open and quality accommodation outside detention, ensure access to essential services, such as food and hygiene, and address barriers in applicant and beneficiary children's education, for example, by organising school transport, ensuring access to distance learning and providing catch-up courses.[1472] Civil society organisations welcomed the recommendations and further urged the Greek authorities to change their practices.[1473]

Prior to the submission of the eighth periodic report on Greece, UNCAT requested the Greek authorities to provide more information on measures to ensure that unaccompanied children are detained only as a last resort.[1474] Due to the reduction of the number of applicants on the island of Leros, the non-formal education centre Ledu, managed by the NGO Arsis and offering educational and psychosocial support for children and their families since 2018, had to be reformed and continued its activities as a mobile educational unit. Its funding was taken over by UNICEF from UNHCR.[1475]

The Danish Refugee Appeals Board analysed the situation of an unaccompanied minor who had received international protection in Greece but re-applied for asylum in Denmark. The board found no evidence that the child would be provided adequate housing considering his particular situation. It took into account that the child had no network in Greece, while he had several relatives in Denmark. Thus, the decision by the Immigration Service was overturned, and the case was referred back to the Immigration Service for a consideration of the merits of the

asylum application.

The civil society organisation Save the Children Denmark launched a new website with information and support material for volunteers and professionals welcoming newly-arrived children in need of international or temporary protection.1476

Following arrivals from Ukraine, the Norwegian government revised the national budget to employ more experts working with children in reception facilities.1477 The German Federal Ministry of the Interior also announced increased support to cities and municipalities to accommodate applicants for international protection and persons in need of temporary protection, especially in terms of housing and supporting unaccompanied children.1478 Nonetheless, the AIDA report for Germany cited examples of inadequate assistance to unaccompanied children due to the general overcrowding of reception centres in several locations over the country.1479 The Lithuanian Ministry of Social Security and Labour launched a special procedure for the reception of unaccompanied children arriving from Ukraine.1480

The UN Committee on Economic, Social and Cultural Rights (CESCR) issued its concluding observations on the third periodic report for Czechia, and it expressed concern that the detention of children was allowed prior to an age assessment. Children older than 15 years could also be placed in immigration detention.1481

In *H.M. and other* v *Hungary*, the ECtHR upheld its approach in previous case law and concluded that a 4-month stay in the transit zone amounted to a violation of the ECHR, Article 3.

The ECtHR condemned Italy for placing an unaccompanied minor in an adult reception centre, following an age assessment conducted in breach of the ECHR *(see Section 5.6.3)*. The court noted that the facility was overcrowded, understaffed and the young applicant had difficulties in accessing medical care. The court acknowledged that the number of arrivals was dramatically high at the time of the facts, but this did not exonerate the country from its obligations under the ECHR, Article 3 (prohibition of torture and inhuman or degrading treatment or punishment).

A Polish district court provided compensation to a young boy who was placed in a guarded centre together with his adult friend. The court noted that the detention was justified and it was not possible to apply an alternative to detention before the boy's identity was established and his application for international protection submitted. However, afterwards, the placement in detention was not justified. Authorities had not taken sufficient steps to clarify the relationship between the boy and the adult friend.

Several cases involved the detention of applicants claiming to be minors in Malta. The civil society organisation aditus actively challenged detention decisions throughout the year.1482 In a case from January 2022, the Immigration Appeals Board concluded that restrictions due to the applicant's disease could not be considered as detention, and the Superintendent of Public Health was not required to issue a detention order or an order for the extension of the restrictions for up to 10 weeks. The applicant sent a complaint to the ECtHR, where the case was pending a decision.

In another case, the Immigration Appeals Board found that the detention of a Bangladeshi applicant claiming to be a minor was lawful, as he had first given a date of birth that indicated

that he was an adult. Pending the appeal of the age assessment, the board ordered that he should be accommodated in the buffer zone within an AWAS open centre. of another Bangladeshi applicant, the board found that the detention was lawful due to a risk of absconding but, as in the previous case, ordered the applicant to be transferred to the buffer zone of an open facility, pending the results of the appeal of the age assessment. For an applicant from Côte d'Ivoire, the board found the detention measure lawful and ordered that the applicant is kept in facilities adequate for minors pending the age assessment.

The Immigration Appeals Board in Malta ordered the immediate release of two children from detention as their age was determined in a procedure against the law *(see Section 5.6.5)*. In January 2023, the ECtHR granted an interim measure wherein it ordered Malta to ensure that "the applicants' conditions are compatible with Article 3 of the Convention and with their status as alleged unaccompanied minors" who arrived by boat in mid-November 2022. The Immigration Appeals Board found in December 2022 that the detention of children was legal but requested that a legal guardian is appointed to them.1483

In Poland, the Association for Legal Intervention continued with its strategic litigation against the detention of applicant children at the national and European levels. *(see Section 4.8)*.1484

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